Atty Dkt No. 0243.04 USSN 10/821,055 PATENT

Remarks

I. Terminal Disclaimer.

Accompanying this Preliminary Amendment is a Terminal Disclaimer for the present application relative to co-owned, related U.S. Patent Application No. 10/460,557, filed 12 June 2003, now allowed, and U.S. Patent No. 6,633772, issued 14 October 2003. Applicants respectfully request that the Terminal Disclaimer be made of record.

II. Information Disclosure Statement.

An Information Disclosure Statement (IDS) was submitted on 8 April 2004.

Applicants request that the Examiner indicate that the references have been considered by initialing each cited reference on the modified form 1449 and returning a copy of the initialed form to the applicants.

Conclusion

Applicants respectfully submit that the claims comply with the requirements of 35 U.S.C. §112 and define an invention that is patentable over the art. Accordingly, a Notice of Allowance is believed in order and is respectfully requested.

Please direct all further communications in this application to:

Barbara G. McClung, Esq. CYGNUS, INC. Legal Department 400 Penobscot Drive Redwood City, CA 94063 Telephone: 650-599-2527 Facsimile: 650-599-3913.

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If the Examiner notes any further matters that the Examiner believes may be expedited by a telephone interview, the Examiner is requested to contact the undersigned at (650) 599-3591.

Respectfully submitted,

Date: 20 Oct 2004

Gary R. Fabian, Ph.D. Registration No. 33,875 Agent for Applicants